

MEMORANDUM

TO: CHARTER REVIEW COMMISSION

FROM: WALTER S. LEWIS

SUBJECT: COUNTY COUNCIL ELECTION MATTERS

The purpose of the Commission should be to offer to the citizens of the County an opportunity to vote on measures in charter amendments that would enable our County to be better governed.

There is broad agreement that the quality of the performance by the County Council is not optimal. There are a variety of reasons for this, and some of them cannot be reached by measures suitable for charter amendments. For example, the Council is at this time strangling itself with the rules it has adopted for conducting its business. Its agendas are clogged with matters that could better be handled differently, it has stifled community input by failing to provide meaningful opportunities for public commentaries and it evades its obligation to provide an open forum for consideration of the issues. These are realities that cannot effectively be reached in charter amendments.

There are, however, a cluster of issues relating to the manner of selecting and retaining the members of our County Council that warrant consideration. At present all Council members are elected at large. This is inconsistent with the practice of our country in federal and state elections where our representatives are chosen from the state or district of residence but serve in a body with a wider scope. It is also at variance from the prevailing pattern for local governments. In all these instances a limited conflict of interest is presented where the representative must choose whether to support the broad public interest of the total area served by the body or the particular interest of the area of his electors. This problem, while it exists, must be considered modest as there does not appear to be any sentiment for allowing voters of one district or state to elect representatives in another district or state.

Despite the absence of commentary by county officials, there have been thoughtful communications from members of the public to the Commission relating to the matter of election of all or some of the County Council by district. I would like by this memo to offer my views on that issue in a broader context.

Reformation of how our Council is elected need not be restricted to the question of districting. Obtaining better performance from our legislative body involves other considerations as well. Among the topics for which examination should occur are (1) whether the council members should serve full time (2) the compensation that should be paid members (3) whether council members should be prohibited from any other gainful pursuit (4) what term should council members have and (5) should there be term limits.

In my view, changes in how our Council is to be constituted should be reviewed taking all of the above (and perhaps other) considerations into account.

Let me offer some personal views. I would strongly favor (1) making the position of council member a full time commitment (2) providing for compensation for council members at an amount appropriate to attract competent people and (3) prohibiting council members from engaging in any other gainful pursuit. If these steps were taken I believe that we would enhance the caliber of performance we would obtain from our council.

With regard to districting elections I believe that the case for districts is commanding. Campaigns would be more efficient and less costly and communications to and from voters would be better. But ancillary questions as to the number of districts and should we continue to have some members elected at large must be addressed. If we believe that electing by district is the optimum choice, then continuing to have some members elected at large is a triumph of tradition and politics over logic. My suggestion which is pragmatic in nature is that we should assume that the voters would approve full time positions for council members. This would increase the time being spent on council matters by the members in aggregate as well as the cost to taxpayers for the enlarged compensation. I would balance this factor by reducing the number of council members from the current seven to five. I recognize that it has been suggested that our council should be composed of three members elected by district and four at large at least in part because this would allow utilization of the district boundaries used for state elections. One time costs in setting district boundaries should not, however, in my view be the determinative factor. I believe that all council members should be elected by district rather than the "partially pregnant" posture of having some of each.

Whether changing the term of office of council members from the present two years to four years and whether limitations on the tenure of service are desirable are complicated questions. There are valid pro and con arguments on both. I believe that our electorate should be given the chance to decide these questions, but I think those determinations should be separated from the ballot question concerning full time service and districting. I do not at this time have a personal position on these questions.

I would be glad to elaborate on the views expressed if that should be the pleasure of the Commission. I am attaching the proposed text for the ballot for the election by district, for the establishment of council membership as a full time position and for the setting of compensation for the council members.

January 1, 2006

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BALLOT ISSUE

Effective 2008, shall all Council members be selected by district of which there shall be five to be defined by an apportionment commission to be appointed in 2007, with one member who shall be a resident of the district elected from each district, and effective 2008, shall the service of all council members be as full time positions with members prohibited from other gainful pursuits, and shall be the salary commission set compensation for council members to be applied when full time service commences.

NOTE: To implement the foregoing consideration should be given to the following (1) should an amendment be made to Charter Section 3.04A to require a time of residence in the district and (2) should an amendment should be proposed to change Charter Section 3.04 B to provide that relocation of residence outside the district is a cause for forfeiture of office.

It is observed that the Charter is not complete as to the circumstances which result in a vacancy in the council. Relocation of residence and conviction of a felony are mentioned (Section 3.04 B), but other circumstances – death, disability, resignation, recall and impeachment - are not specifically treated. At present recall does not apply to the Council because of its limitation to offices with four year terms. I would recommend that that limitation should be repealed.